



*Phil Mullin*

## ***Final Analysis***

*Legislative Service Commission*

### **Sub. S.B. 87**

127th General Assembly  
(As Passed by the General Assembly)

**Sens. Carey, D. Miller, Mumper, Padgett, Clancy, Boccieri, Schaffer, Schuler, Mason, Cafaro, Austria, Fedor, Gardner, Goodman, Grendell, Harris, Niehaus, Roberts, Sawyer, Spada, Stivers**

**Reps. Daniels, Hite, D. Stewart, Brown, Carmichael, Collier, Domenick, Flowers, Lundy, Schneider, Sykes, Bacon, Batchelder, Blessing, Bolon, Boyd, Brady, Chandler, DeGeeter, Dyer, Evans, Fende, Gerberry, Gibbs, Goyal, R. Hagan, Harwood, Hughes, Letson, Luckie, Mallory, J. McGregor, Mecklenborg, Patton, Peterson, Schindel, Schlichter, Setzer, Szollosi, Yuko**

**Effective date:** \*

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### **ACT SUMMARY**

- Creates the Statewide Emergency Alert Program to aid in the identification and location of missing individuals who have a mental impairment or are 65 years of age or older.
- Establishes activation criteria for the program.
- Grants immunity to broadcasters with regard to alerts.
- Prohibits any name from being given to the Statewide Emergency Alert Program that conflicts with any alert code standards that federal law requires and that govern the naming of emergency alert programs.
- Requires that readily available information about a missing person under 18 years of age be integrated into the National Crime Information Center computer immediately, rather than within 12 hours, following the making of a report on the missing person.

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\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

- Requires that information about a missing person who is at least 18 but less than 21 years of age be made available (1) immediately, rather than within a specified number of days depending on whether the missing person is a victim of foul play, and (2) through the National Crime Information Center, rather than through the Law Enforcement Automated Data System (LEADS).
- Requires that information about a missing person who is 21 years of age or older be made available through the National Crime Information Center rather than through LEADS.

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## CONTENT AND OPERATION

### *Statewide Emergency Alert Program*

The act creates the Statewide Emergency Alert Program to aid in the identification and location of missing individuals having a mental impairment or who are 65 years of age or older. A missing individual to be aided by the program must be a temporary or permanent resident of Ohio or be believed to be a temporary or permanent resident, must be at a location that cannot be determined by an individual familiar with the missing individual, must be incapable of returning to the missing individual's residence without assistance, and the individual's disappearance, as determined by a law enforcement agency, must pose a credible threat of immediate danger of serious bodily harm or death to the missing individual. The program must be a coordinated effort among the Governor's office, the Department of Public Safety, the Attorney General, law enforcement agencies, public and commercial television and radio broadcasters in Ohio, and others as determined necessary by the Governor. The act prohibits any name from being given to the Statewide Emergency Alert Program that conflicts with any alert code standards that federal law requires and that govern the naming of emergency alert programs. (R.C. 5502.522(A).)

The Statewide Emergency Alert Program is not to be implemented unless all the following activation criteria are met: (1) the local investigating law enforcement agency confirms that the individual is missing, (2) the individual is 65 years of age or older or has a mental impairment, (3) the disappearance of the individual poses a credible threat of immediate danger of serious bodily harm or death to the individual, and (4) there is sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual. (R.C. 5502.522(B).) After a local investigating law enforcement agency receives information meeting the activation criteria, it is permitted to allow 24 hours to

elapse before it notifies the statewide program (R.C. 5502.522(E)). The statewide program activation criteria do not prevent the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan (R.C. 5502.522(C)).

"Law enforcement agency" is defined to include a sheriff's office, the office of a village marshal, a municipal police department, a regional transit authority police force, a metropolitan housing authority police force, the State Highway Patrol, a state university law enforcement agency, a township police constable's office, and the police department of a township or joint township police district. "Mental impairment" is defined as a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as certified by a licensed physician, psychiatrist, or psychologist. (R.C. 5502.522(G).)

The act provides immunity from liability for radio stations, television stations, and cable systems participating in the statewide emergency alert program or in any local or regional emergency alert program. The immunity extends to any director, officer, employee, or agent of any such station or system participating in either type of alert program. These persons will not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information under either type of alert program. (R.C. 5502.522(D).)

The act states that it cannot be construed to authorize the use of the federal emergency alert system unless federal law otherwise allows it (R.C. 5502.522(F)).

### **Changes in the Missing Persons Law**

If a law enforcement agency with jurisdiction in the matter is informed that a person under 18 years of age is or may be a missing child and that the person providing the information wishes to file a missing child report, the agency must take that report. If a missing child report is made, the law enforcement agency must gather readily available information about the missing child and, under prior law, had to integrate it into the National Crime Information Center computer within 12 hours following the making of the report. The act requires this integration to be made immediately following the making of the report. (R.C. 2901.30(B) and (C).)

If a law enforcement agency receives a report that a person over 18 years of age is missing and, if there is evidence that the person was a victim of foul play at the time the victim is reported missing, the agency must make available through the Law Enforcement Automated Data System (LEADS) all information contained in the report not later than seven days after the agency receives the report. If there

is no evidence that the person was a victim of foul play, the agency must make the information available through LEADS not later than 30 days after receiving the report the person is missing. (R.C. 2901.42(A).)

The act maintains the provisions described in the immediately preceding paragraph for missing persons 21 years of age and older, although it requires that the law enforcement agency make information in the missing person report available through the National Crime Information Center rather than through LEADS. If a law enforcement agency receives an initial report or receives additional information for the report that a person who is at least 18 but less than 21 years of age is missing, the act requires that the law enforcement agency make available through the National Crime Information Center all information contained in the report immediately after the agency receives the report or additional information rather than within a specified number of days depending on whether the missing person is a victim of foul play as required by prior law. (R.C. 2901.42(A), (B), and (C).)

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## HISTORY

ACTION	DATE
Introduced	03-01-07
Reported, S. State & Local Gov't & Veterans Affairs	10-23-07
Passed Senate (30-0)	11-14-07
Reported, H. State Gov't & Elections	02-12-08
Passed House (94-0)	03-11-08
Senate concurred in House amendments (33-0)	03-12-08

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